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Applicant respectfully requests reconsideration and withdrawal of the rejections and objections to the claims of this case, in light of the foregoing amendments and following remarks.

REMARKS

A. Status of the Claims and Explanation of the Amendments

Currently, claims 1, 7, and 13 are pending.¹ Claims 2-6, 8-12, and 14-15 have been previously cancelled.

Claims 1, 7, and 13 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,724,427 to Fredlund ("Fredlund"), in view of U.S. Patent No. 6,844,899 to Oeda ("Oeda"). Claim 13 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fredlund and Oeda, in further view of U.S. Patent No. 6,011,585 to Anderson ("Anderson").

Additionally, the Examiner has objected to claim 1 for various informalities. Specifically, the Examiner has requested Applicants to change the phrase "power supply" in line 14 of the claim to "power supply unit", and to change the phrase "operation unit" to "operation member". In response, Applicant has made the changes required by the Examiner, as shown on page 2 of this paper.

B. Applicant's Claims Are Not Unpatentable Over the Cited References

Applicant respectfully traverses the rejection of claims 1, 7, and 13 under 35 U.S.C. §103(a) as allegedly being unpatentable over Fredlund, in view of Oeda. Briefly, the

¹ Applicant respectfully notes that the PTOL-326 form that accompanied the May 24, 2005 office action incorrectly stated that claims 1, 3, and 7 are pending. However, the rest of the office action states that claims 1, 7, and 13 are pending, which is accurate.

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combination of references fails to teach, disclose or suggest all of the claim elements in Applicant's claims. Accordingly, the combination of references does not arrive at Applicant's invention, and the rejection should be withdrawn. MPEP §2143.

1. Fredlund is not Available as a Prior Art Reference

The instant application was filed on March 29, 2001 and claims priority under 35 U.S.C. §119 to Japanese Patent Application No. 2000-097628, which was filed on March 31, 2000. The cited reference (i.e., Fredlund) was filed on June 20, 2000.

Accordingly, Fredlund is not available as prior art against this application and Applicant respectfully submits that all claim rejections under 35 U.S.C. § 103 based on Fredlund are thus improper and respectfully request that they be withdrawn. Applicant is currently preparing for a certified translation of the Japanese priority application and the translation will be submitted in due course.

Moreover, as set forth in detail below, Fredlund is deficient, because it fails to disclose, teach, or suggest Applicant's "controller" and "operation member."

2. The Combination of References Fails to Teach, Disclose or Suggest Applicant's "Controller" and an "Operation Member"

In rejecting claim 1, the Office Action argues that Fredlund discloses all of the claim elements of claim 1, with the exception of an "operating member". For this claim element, the Office Action relies on Oeda, asserting that Oeda's LCD switch 12 is the same as Applicant's "operation member" apparently because it "is for turning ON or OFF power supply to LCD 29" [Office Action, page 4, lines 4-5].

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Applicant respectfully disagrees with this characterization of both Fredlund and Oeda. With respect to Fredlund, Applicant notes that Fredlund fails to teach, disclose or suggest a "controller" as recited in Applicant's claims. Specifically, Applicant's claim 1 recites, inter alia,

...a controller adapted to control operating statuses of said display and said power supply unit,

wherein said controller controls said display and said power supply unit so as to set said display ON for a predetermined period, display the information, and set said display OFF after the predetermined period, when said display is set to be OFF by said operation member and the information is set to be displayed on said display by said setting unit.

The Office Action alleges that Fredlund's camera controller 30 is equivalent to the controller recited in Applicant's claim 1 [Office Action, page 3, item 4]. However, nowhere does Fredlund teach, disclose, or suggest that the controller can control the power supply so that it can "set [the] display ON for a predetermined period, display the information, and set [the] display OFF after the predetermined period" as recited in Applicant's claim 1. This appears to be true, even though the Office Action argues to the contrary by asserting that Fredlund teaches this element at column 1, lines 20-27. However, lines 20-27 in column 1 of Fredlund merely state that

[o]ften, the display uses twisted nematic liquid crystals that that [sic] requires continuous electrical drive to display information. Cameras with this type of display can be turned on only for short periods of time to preserve battery life. When the cameras are turned off, the liquid crystal display goes blank. An operator must turn on the camera to determine the status of the camera.

Applicant does not see where in this section of Fredlund there is any discussion of a "controller" at all, much less a "controller" that can control the power supply so that it can "set [the] display ON for a predetermined period, display the information, and set [the] display OFF after the

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predetermined period” as recited in Applicant’s claim 1. Moreover, Applicant, upon review of Fredlund, does not see any other portion of Fredlund that teaches, expressly or otherwise, the “controller” recited in Applicant’s claim 1.

Oeda does not appear to alleviate this deficiency of Fredlund. Nowhere does Oeda teach, disclose, or suggest a “controller” as recited in Applicant’s claims. Accordingly, Applicant respectfully asserts that the combination of Fredlund and Oeda fails to teach, disclose or suggest all of the claim elements of Applicant’s claim 1, or corresponding method claim 7. The rejection of claims 1 and 7 over Fredlund, in view of Oeda, should be withdrawn for at least this reason. MPEP §2143.

But there is more. The Office Action alleges that LCD switch 12 is equivalent to the “operation member” recited in Applicant’s claim 1. Applicant, however, respectfully disagrees. Applicant’s claim 1 recites, inter alia, that “when said display is set to be OFF by said operation member,” the “controller controls said display and said power supply unit so as to set said display ON for a predetermined period, display the information, and set said display OFF after the predetermined period.” At best, Oeda’s LCD switch 12 merely turns on or off the power to the LCD 29 [Oeda, col. 4, lines 37-45]. Further, it is completely overridden when the camera is connected to a personal computer [Oeda, col. 5, lines 11-12].

It does not appear that Oeda teaches, discloses, or suggests that the LCD switch 12 can be interfaced with a controller at all, much less in the manner that Applicant’s “operation member” is interfaced to Applicant’s “controller”. Oeda’s LCD switch 12 is just that – a mere switch that can be overridden by a computer. Thus, Applicant respectfully asserts that Oeda fails to teach, disclose, or suggest an “operation member” as recited in Applicant’s claim 1. Since the Office Action itself admits that Fredlund does not teach an “operation member”, it

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appears that the combination of these two references fails to teach, disclose, or suggest this claim element as well. The rejection of apparatus claim 1 and corresponding method claim 7 under 35 U.S.C. §103(a) should be withdrawn. MPEP §2143.

With respect to claim 13, the Office Action states that "Fredlund et al. and Oeda et al. disclose an apparatus [that] has a function of displaying image and information about status of the apparatus as discussed regarding claim 1, except the feature 'a computer program having a computer readable program code means for a display method'." [Office Action, page 4, item 5]. For the feature of a computer program, the Office Action relies on Anderson. However, in view of the foregoing discussion about the deficiencies of Fredlund and Oeda with respect to claim 1, Applicant respectfully asserts that the combination of Fredlund, Oeda, and Anderson fails to teach, disclose, or suggest all of the claim elements of claim 13, such as for example, a "fourth computer readable program code means for turning OFF the display after a predetermined period since the display is turned ON when OFF of the display is selected." Because not all claim elements are taught or suggested by the cited references, the rejection of claim 13 under 35 U.S.C. §103(a) should be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application

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Docket No. 1232-4694**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-4694.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-4694.

Respectfully submitted,
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Dated: August 24, 2005By: 

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